

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
CHATTANOOGA DIVISION**

VANDA WYATT,)	
)	
Plaintiff,)	
)	
)	
v.)	Case No.
)	
NATIONSTAR MORTGAGE, LLC, a Delaware)	
Limited Liability Company; and DOES 1 to 100,)	
inclusive,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Nationstar Mortgage, LLC (“Nationstar”), removes this civil action from the Circuit Court of Bledsoe County, Tennessee to the United States District Court for the Eastern District of Tennessee. In support of this Notice of Removal, Nationstar states as follows:

BACKGROUND

1. On August 3, 2016, Plaintiff Vanda Wyatt (“Plaintiff”) filed this civil action against Nationstar in the Circuit Court of Bledsoe County, Tennessee, which is styled *Vanda Wyatt v. Nationstar Mortgage, LLC, a Delaware Limited Liability Company, and Does 1-100, inclusive*, Civil Action No. 2016-CV-5518 (the “State Court Action”).

2. In the State Court Action, Plaintiff seeks damages for a number of alleged claims related to the servicing of her residential mortgage loan, including breach of the implied covenant of good faith and fair dealing and wrongful foreclosure. Plaintiff further seeks to quiet title to the property at issue, injunctive relief, and a judgment which modifies the terms and unpaid balance of her existing mortgage account and awards money damages.

COMPLIANCE WITH REMOVAL STATUTE

3. This Notice of Removal is properly filed in the United States District Court for the Eastern District of Tennessee, pursuant to 28 U.S.C. § 1446(a), because the Circuit Court of Bledsoe County, Tennessee is located in this federal judicial district and division. This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

4. It is not clear from Nationstar's records and the docket for the State Court Action that Nationstar was ever properly served with the complaint in the State Court Action (the "Complaint"). However, it appears that Nationstar may have received notice of the existence of the State Court Action on December 14, 2016, and, therefore, out of an abundance of caution, now files this Notice of Removal. The Notice of Removal is therefore timely filed within thirty (30) days of any receipt of the Complaint and Summons pursuant to 28 U.S.C. § 1446(b).

5. Nationstar will provide written notice of the filing of this Notice of Removal to Plaintiffs, and will file a copy of this notice in the Circuit Court of Bledsoe County, Tennessee, as required by 28 U.S.C. § 1446(d).

6. In accordance with 28 U.S.C. § 1446(a), Nationstar attaches a true and correct copy of all process, pleadings, and orders received by Nationstar in the State Court Action as **Exhibit A**.

7. Nationstar will file its Rule 7.1 Disclosure Statement contemporaneously with this Notice of Removal.

DIVERSITY JURISDICTION EXISTS

8. This is a civil action over which this Court has original jurisdiction under 28 U.S.C. §§ 1332 and 1441 based on diversity of citizenship and the requisite amount in controversy.

9. The parties are citizens of different states.
10. Plaintiff Vanda Wyatt is a resident of the State of Tennessee.
11. Nationstar is a Delaware limited liability company and maintains its principal place of business in Texas. None of the members of Nationstar are residents or citizens of the State of Tennessee or have their principal place of business in Tennessee.
12. Pursuant to 28 U.S.C. § 1441(b)(1), for the purposes of determining whether a civil action is removable on the basis of diversity jurisdiction, the citizenship of defendants sued under fictitious names shall be disregarded.
13. There is complete diversity of citizenship between the Plaintiff and the Defendant.
14. In her Complaint, in addition to injunctive relief, Plaintiff seeks to modify the terms of her mortgage loan such that the current balance is one hundred and fifty thousand dollars (\$150,000.00). She also seeks compensatory damages and punitive damages in an unspecified amount. Accordingly, the amount in controversy exceeds the sum of seventy-five thousand dollars (\$75,000.00), exclusive of interest and costs, as required by 28 U.S.C. § 1332(a).
15. Because there is complete diversity of citizenship between Plaintiffs and Nationstar and the amount in controversy exceeds seventy-five thousand dollars (\$75,000.00), exclusive of interest and costs, this action could have been brought in this Court, and this action is properly removed under 28 U.S.C. §§ 1332 and 1441.
16. Pursuant to Federal Rule of Civil Procedure 81(c), Nationstar will answer, move, or otherwise plead in response to the Complaint on or before January 19, 2017.

CONCLUSION

Nationstar respectfully requests that this Court exercise its jurisdiction over this action and enter such further orders and grant such further relief as may be necessary to secure removal in this

matter and to prevent such further proceedings in the Circuit Court of Shelby County, Tennessee, and further seeks all other relief to which it is justly entitled.

Respectfully submitted,

s/ Phillip P. Welty

Phillip P. Welty, #20327

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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of January, 2017, a copy of the foregoing **Notice** was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

Vanda Wyatt
10115 Upper East Valley Road
Pikeville, Tennessee 37367

Plaintiff, pro se

s/ Phillip P. Welty